

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jose Luis Garcia and Martha Lopez v. County of Los Angeles
CASE NUMBER	TC 020476
COURT	Los Angeles County Superior Court South Central District
DATE FILED	November 8, 2006
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$250,000
ATTORNEY FOR PLAINTIFF	Gary B. Gelfand, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	<p>This is a wrongful death/medical malpractice lawsuit brought by Jose Luis Garcia and Martha Lopez for the death of their 14-year old son, Andrew Garcia, who died at Harbor/UCLA Medical Center ("HUMC").</p> <p>Andrew arrived at HUMC on November 16, 2005 suffering from fever, vomiting and abdominal pain. The HUMC staff examined Andrew and concluded that he was suffering from gastritis. Andrew was</p>

thus discharged home. Andrew returned to HUMC on November 18, 2005 and was admitted to the Pediatric Intensive Care Unit. Diagnostic measures indicated that he was suffering from appendicitis. He died on November 20, 2005. An autopsy identified the cause of death as peritonitis caused by a perforated appendix.

Plaintiffs contend that HUMC staff failed to timely diagnose Andrew Garcia's appendicitis which eventually caused the perforation of his appendix and his death. The medical records indicate that Andrew was morbidly obese and as such, HUMC staff had significant difficulties in performing a physical examination and identifying signs and symptoms of appendicitis.

Under the facts of this case, it would be difficult to successfully defend the HUMC staff's delay in diagnosing the patient's appendicitis. Accordingly, considering County's potential liability exposure and the expenses associated with a civil trial, the Department of Health Services agreed to propose a full and final settlement of this case in the amount of \$250,000.

PAID ATTORNEY FEES, TO DATE	\$14,235
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PAID COSTS, TO DATE	\$2,319
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## Summary Corrective Action Plan



Date of incident/event:	November 16, 2005
Briefly provide a description of the incident/event:	Andrew Garcia presented to the Emergency Department at HUMC complaining of fever, vomiting and pain. He was treated and sent home with a diagnosis of gastritis. He returned 34 hours later with the same complaints. He was diagnosed with a perforated appendix and subsequently died.

1. Briefly describe the root cause of the claim/lawsuit:

- Failure to timely diagnose appendicitis.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

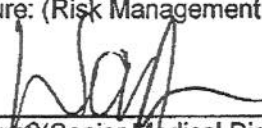
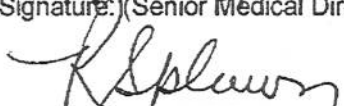
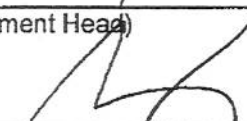
- All appropriate personnel corrective actions have been taken.

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

☐ Potentially has County-wide implications.

X Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 11/27/07
Signature: (Senior Medical Director) 	Date: 11/27/07
Signature: (Department Head) 	Date: 11/27/07